

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

O.M., by and through his parents,)
NICOLE McWHIRTER AND)
ARRAN McWHIRTER,)
)
Plaintiffs,)
)
v.)
)
ORANGE COUNTY, N.C. BOARD)
OF EDUCATION,)
)
Defendant.)

1:09-CV-692

ORDER

The Recommendation of the United States Magistrate Judge (Doc. 37) was filed in accordance with 28 U.S.C. § 636(b) and, on February 22, 2013, was served on the parties. No objections were filed within the time limits prescribed by § 636. After review, the Court adopts the Magistrate Judge's Recommendation.

For the reasons stated by the Magistrate Judge, it is hereby **ORDERED** that:

1. Defendant's Motion to Dismiss (Doc. 19) is **DENIED**;
2. Plaintiffs' Motion for Judgment on the Pleadings (Doc. 22) is **DENIED**.

This the 25th day of March, 2013.


UNITED STATES DISTRICT JUDGE